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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/626,983	07/25/2003	Ravi R. Joshi	WUR 50897/US/2	4142	
7	590 05/09/2005		EXAM	INER	
Patent Counsel			ROBERTSON, JEFFREY		
Huntsman Polyurethanes 286 Mantua Grove Road			ART UNIT	PAPER NUMBER	
West Deptford	West Deptford, NJ 08066-1732			1712	
			DATE MAILED: 05/09/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		1			
	Application No.	Applicant(s)			
,	10/626,983	JOSHI ET AL.			
Office Action Summary	Examiner	Art Unit			
	Jeffrey B. Robertson	1712			
The MAILING DATE of this communication appeared for Reply	pears on the cover sheet with the	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tily within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 25 J	uly 2003.				
1 <u> </u>	s action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under t	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>1-34</u> is/are pending in the application	l <b>.</b>				
4a) Of the above claim(s) is/are withdra	wn from consideration.				
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to. 8) Claim(s) 1-34 are subject to restriction and/or	alastian mandanas at				
8) Claim(s) <u>1-34</u> are subject to restriction and/or	election requirement.				
Application Papers					
9) The specification is objected to by the Examine					
10) The drawing(s) filed on is/are: a) acc	·	•			
Applicant may not request that any objection to the	• • • • • • • • • • • • • • • • • • • •	` '			
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex					
	varimer. Note the attached Office	FACIOITOFIONIF TO-152.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a	ı)-(d) or (f).			
1.☐ Certified copies of the priority document	s have been received				
2. Certified copies of the priority document		ion No			
3. ☐ Copies of the certified copies of the prio					
application from the International Burea		v			
* See the attached detailed Office action for a list	of the certified copies not receive	ed.			
Attrachment(s)					
Attachment(s)  1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	/ (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5)	Patent Application (PTO-152)			
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office A	ction Summary	Part of Paper No./Mail Date 050305			

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-20, drawn to a reaction system, classified in class 524, subclass
     589.
  - Claims 21-32, drawn to a pultrusion process, classified in class 264, subclass 137.
  - III. Claims 33 and 34, drawn to a fiber reinforced composite, classified in class 428, subclass 297.4.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the reaction system of Group I can be used in an injection die pultrusion process.
- 3. Inventions I and III are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as an adhesive and the

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inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 4. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Group III made be made by a materially different process using an injection die.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey B. Robertson Primary Examiner Art Unit 1712 Page 4

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